



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ४, अंक ६]

गुरुवार, मार्च १५, २०१८/फाल्गुन २४, शके १९३९

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असाधारण क्रमांक ११

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 15th March 2018 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XI OF 2018.

A BILL

further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. This Act may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018.

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CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 5B
of III of
1888.

2. In section 5B of the Mumbai Municipal Corporation Act (hereinafter referred to as “the Mumbai Municipal Corporation Act”), for the first proviso, the following proviso shall be substituted, namely :—

III of
1888.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

Mah.
of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee :”.

Amendment
of section 37
of III of
1888.

3. In section 37 of the Mumbai Municipal Corporation Act, in sub-section (2A), for the first proviso, the following proviso shall be substituted, namely :—

“Provided that, for the elections for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

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of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee :”.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment
of section 5B
of LIX of
1949.

4. In section 5B of the Maharashtra Municipal Corporations Act (hereinafter referred to as “the Maharashtra Municipal Corporations Act”), for the first proviso, the following proviso shall be substituted, namely :—

LIX of
1949.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal

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of 2018.

Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee : ”.

5. In section 19 of the Maharashtra Municipal Corporations Act, in sub-section (1B), for the first proviso, the following proviso shall be substituted, namely :—

Amendment of section 19 of LIX of 1949.

“Provided that, for the elections for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

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of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

6. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “ the Municipal Councils Act ”), for the first proviso, the following proviso shall be substituted, namely :—

Amendment of section 9A of Mah. XL of 1965.

Mah.
of 2018.

“ Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the

Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee : ”.

Amendment
of section
51-1B of
Mah. XL of
1965.

7. In section 51-1B of the Municipal Councils Act, for the first proviso, the following proviso shall be substituted, namely :—

“Provided that, for the elections for the office of the President for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

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of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee :”.

Amendment
of section
341B of
Mah. XL of
1965.

8. In section 341B of the Municipal Councils Act, in sub-section (4),—

(a) after the word and figure “ section 9 ” the figure and letter “, 9A ” shall be inserted ;

(b) for the word, figures and letter “ section 51-1A ” the words, figures and letters “ sections 51-1A and 51-1B ” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Section 5B of the Mumbai Municipal Corporation Act (III of 1888), section 5B of the Maharashtra Municipal Corporations Act (LIX of 1949) and section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), provides that, every person desirous of contesting election to a seat reserved for person belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Classes of citizens, shall submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Caste Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) and the rules made thereunder.

2. The said sections by the Maharashtra Act No. XIII of 2015, which allows the candidates to submit the Caste Validity Certificate within six months from the date on which they are declared elected, with a view to allow the persons desirous of contesting election for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate before the date of filing the nomination and who have not received the validity certificate.

3. Taking into consideration that the Caste Scrutiny Committees, which are already overburdened, they may not issue validity certificates of the candidates in due time and this will result in difficulties in obtaining the Caste Validity Certificate from the Caste Scrutiny Committees.

4. So with a view to ensure that candidates would not be deprived of the opportunity to contest the election for the reserved posts in the ensuing general elections or bye-elections to Municipal Corporations and Municipal Councils, merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, the Government considers it expedient to make the enabling provision for the purpose during the period commencing on the date of coming into force of the Act and ending on the 30th June 2019. Accordingly, the suitable amendments are proposed in the section 5B of the Mumbai Municipal Corporation Act (III of 1888) and section 5B of the Maharashtra Municipal Corporations Act (LIX of 1949) and section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965).

5. Similarly, for the purposes aforesaid, the Government also considers it expedient to make similar suitable amendments in sub-section (2A) of section 37 of the Mumbai Municipal Corporation Act, sub-section (1B) of section 19 of the Maharashtra Municipal Corporations Act, and sections 51-1B and 341B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, so as to allow the Mayor or, as the Case may be, the President elected against the reserved posts, to submit the Caste Validity Certificate within six months from the date on which, they are declared elected.

6. The existing provisions of sections 5B and 9A of the Mumbai Municipal Corporation Act, sections 5B and 19 of the Maharashtra Municipal Corporations Act and sections 9A and 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 to the effect that, if the person who fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor, the Mayor or the President, as the case may be, shall continue to apply in respect of the elections covered herein.

7. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 12th March 2018.

DEVENDRA FADNAVIS,
Chief Minister.

Vidhan Bhavan :
Mumbai,
Dated the 15th March 2018.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.